

CHAPTER 201

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 17-1301

BY REPRESENTATIVE(S) Michaelson Jenet, Exum, Becker K., Bridges, Buckner, Coleman, Esgar, Gray, Hamner, Herod, Hooton, Jackson, Kennedy, Lebsock, Lee, Lontine, McLachlan, Melton, Pettersen, Salazar, Singer, Weissman, Young; also SENATOR(S) Holbert and Fields, Aguilar, Donovan, Guzman, Jahn, Kefalas, Merrifield, Moreno, Scott, Todd, Williams A., Zenzinger.

AN ACT

CONCERNING PROTECTING A STUDENT'S ACCESS TO SCHOOL RECORDS NECESSARY FOR ENROLLMENT IN ANOTHER EDUCATIONAL INSTITUTION DESPITE OUTSTANDING PAYMENTS DUE TO THE SCHOOL.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-32-110, **amend** (1)(jj) as follows:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(jj) To require the PAYMENT OF ANY FINE OR FEE ASSESSED PURSUANT TO LAW, THE RETURN OR replacement of ~~damaged~~ textbooks or library resources, ~~or the return of loaned textbooks or library resources by withholding~~ OR THE RETURN OR REPLACEMENT OF OTHER SCHOOL PROPERTY. A SCHOOL DISTRICT SHALL NOT WITHHOLD, AND SHALL ENSURE THAT A SCHOOL OF THE SCHOOL DISTRICT DOES NOT WITHHOLD, RECORDS REQUIRED FOR ENROLLMENT IN ANOTHER SCHOOL OR INSTITUTION OF HIGHER EDUCATION OR the diploma, transcript, or grades of any student who fails to PAY ANY ASSESSED FINE OR FEE, TO return or replace ~~any such~~ textbooks or library resources, OR TO RETURN OR REPLACE ANY SCHOOL PROPERTY at the completion of any semester or school year. The school district shall make a reasonable effort to obtain PAYMENT OF ANY ASSESSED FINE OR FEE, payment for lost or damaged textbooks or library resources, AND PAYMENT FOR LOST OR DAMAGED SCHOOL PROPERTY. If the school district determines that a student is unable to pay, the school district may obtain payment through other methods, including but not

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

limited to payment plans or service within the school in which the student is enrolled. ~~The school district may also refuse to allow any student who completes graduation or continuation requirements to participate in any graduation or continuation ceremony if the student has failed to return or replace any such textbooks or library resources prior to the date of the graduation or continuation ceremony.~~ NOTHING IN THIS SUBSECTION (1)(jj) LIMITS THE AUTHORITY OF A SCHOOL DISTRICT TO COLLECT DEBT.

SECTION 2. In Colorado Revised Statutes, 22-30.5-104, **add** (12) as follows:

22-30.5-104. Charter school - requirements - authority - rules.

(12) PURSUANT TO THE PROVISIONS OF SECTION 22-32-110 (1)(jj), A CHARTER SCHOOL SHALL NOT WITHHOLD RECORDS REQUIRED FOR ENROLLMENT IN ANOTHER SCHOOL OR INSTITUTION OF HIGHER EDUCATION OR THE DIPLOMA, TRANSCRIPT, OR GRADES OF ANY STUDENT FOR FAILURE TO PAY A FINE OR FEE OR TO RETURN OR REPLACE SCHOOL PROPERTY.

SECTION 3. In Colorado Revised Statutes, 22-30.5-507, **add** (13) as follows:

22-30.5-507. Institute charter school - requirements - authority - rules.

(13) PURSUANT TO THE PROVISIONS OF SECTION 22-32-110 (1)(jj), AN INSTITUTE CHARTER SCHOOL SHALL NOT WITHHOLD RECORDS REQUIRED FOR ENROLLMENT IN ANOTHER SCHOOL OR INSTITUTION OF HIGHER EDUCATION OR THE DIPLOMA, TRANSCRIPT, OR GRADES OF ANY STUDENT FOR FAILURE TO PAY A FINE OR FEE OR TO RETURN OR REPLACE SCHOOL PROPERTY.

SECTION 4. In Colorado Revised Statutes, 22-5-108, **amend** (1)(a) as follows:

22-5-108. Powers of board of cooperative services. (1) In addition to any other powers granted by law, the board of cooperative services shall have the following specific powers, to be exercised in its judgment:

(a) Those powers set forth for boards of education in section 22-32-110 (1)(b) to (1)(k), (1)(n) to (1)(q), (1)(s) to (1)(w), (1)(y), ~~and~~ (1)(aa) to (1)(ee), AND (1)(jj), and in sections 22-32-113, 22-32-114, 22-32-116 to 22-32-118, 22-32-120 to 22-32-122, and 22-32-124;

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 17, 2017